

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 27*

Short Title: Regulate Euthanasia of Animals. (Public)

Sponsors: Representatives Tarleton, Allen (Primary Sponsors); Cole, Dickson, Earle, Faison, Goforth, Haire, McElraft, Moore, and Underhill.

Referred to: Rules, Calendar, and Operations of the House.

February 3, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO REGULATE THE EUTHANASIA OF ANIMALS AND TO PROHIBIT
3 SPECIFIED METHODS OF EUTHANASIA OF ANIMALS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 19A-23(9) is repealed.

6 SECTION 2. G.S. 19A-24(5) reads as rewritten:

7 "§ 19A-24. Powers of Board of Agriculture.

8 The Board of Agriculture shall:

9 ...

10 (5) Adopt rules on the euthanasia of animals in the ~~possession or custody~~
11 possession, custody, or control of any person required to obtain a certificate
12 of registration under ~~this Article~~. G.S. 19A-26. The rules shall, effective
13 until January 1, 2011, be consistent with the method and delivery of method
14 approved by the American Veterinary Medical Association, the Humane
15 Society of the United States, or the American Humane Association, but
16 beginning January 1, 2011, shall be consistent with the restrictions on
17 euthanasia contained in G.S. 19A-26.1 and shall address the anaesthetizing
18 of animals prior to, or concurrently with, euthanasia by injection. An animal
19 shall only be put to death by a method and delivery of method approved by
20 the American Veterinary Medical Association, the Humane Society of the
21 United States, or the American Humane Association. The Department shall
22 establish rules for the euthanasia process using any one or combination of
23 methods and standards prescribed by the three aforementioned
24 organizations. The rules shall address the equipment, the process, and the
25 separation of animals, in addition to the animals' age and condition. If the
26 gas method of euthanasia is approved, rules shall requirerequire that, when
27 the gas method of euthanasia is used, (i) that only commercially compressed
28 manufactured carbon monoxide gas is approved for use, and (ii) that the gas
29 must be delivered in a commercially manufactured chamber that allows for
30 the individual separation of animals. Rules shall also mandate training for
31 any person who participates in the euthanasia process."

32 SECTION 3. Article 3 of Chapter 19A of the General Statutes is amended by
33 adding a new section to read:

34 "§ 19A-26.1. Euthanasia of shelter animals.

35 (a) This section applies to the euthanizing or putting to death of animals:



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- 1 (1) In possession or custody of an animal shelter;
2 (2) In possession or custody of a person providing foster care at the request of
3 an animal shelter that previously had possession of the animal; and
4 (3) Removed from an animal shelter or from a person providing foster care for
5 the purpose of being euthanized or put to death.

6 (b) Except as otherwise provided in this section, the following methods of euthanasia
7 are expressly prohibited for animals covered by this section:

- 8 (1) Intracardial injection or heartstick;
9 (2) Use of succinylcholine chloride, curare, curariform mixtures, or any
10 substance that acts as a neuromuscular blocking agent;
11 (3) Electrocution;
12 (4) Blow to the head by metal bolt or other instrument;
13 (5) Drowning; and
14 (6) Use of a firearm.

15 (c) Livestock may be put to death by a method approved by the federal Humane
16 Slaughter Act, 7 U.S.C. Sections 1901 through 1906, as amended.

17 (d) An animal may be put to death with the use of a firearm only in cases of emergency
18 in which the animal presents an immediate danger to a human or another animal."

19 **SECTION 4.** Effective January 1, 2011, G.S. 19A-26.1, as enacted by Section 3 of
20 this act, reads as rewritten:

21 **"§ 19A-26.1. Euthanasia of shelter animals.**

- 22 (a) This section applies to the euthanizing or putting to death of animals:
23 (1) In possession or custody of an animal shelter;
24 (2) In possession or custody of a person providing foster care at the request of
25 the animal shelter which previously had possession of the animal; and
26 (3) Removed from an animal shelter or from a person providing foster care for
27 the purpose of being euthanized or put to death.

28 (a1) Euthanasia of dogs, cats, including feral cats, or other companion animals shall be
29 accomplished only by a lethal injection of sodium pentobarbital or a derivative of sodium
30 pentobarbital or other pharmaceutical approved for euthanasia by injection by the American
31 Veterinary Medical Association or the Humane Society of the United States, using a procedure
32 that results in rapid unconsciousness and death. Animals shall be anaesthetized prior to, or
33 concurrently with, the receiving of a lethal injection pursuant to rules adopted by the Board of
34 Agriculture.

35 (b) Except as otherwise provided in this section, the following methods of euthanasia
36 are expressly prohibited for animals covered by this section:

- 37 (1) Use of carbon monoxide, carbon dioxide, or other gas;
38 ~~(1)(2)~~ Intracardial injection or heartstick;
39 ~~(2)(3)~~ Use of succinylcholine chloride, curare, curariform mixtures, or any
40 substance that acts as a neuromuscular blocking agent;
41 ~~(3)(4)~~ Electrocution;
42 ~~(4)(5)~~ Blow to the head by metal bolt or other instrument;
43 ~~(5)(6)~~ Drowning; and
44 ~~(6)(7)~~ Use of a firearm.

45 (b1) Wild animals (ferae naturae) may be put to death by use of carbon monoxide gas in
46 accordance with rules made by the Board of Agriculture pursuant to G.S. 19A-24(5) if the
47 operator of the animal shelter determines that euthanasia of a wild animal by lethal injection
48 would risk harm to a human or to another animal. This subsection does not apply to wild
49 animals that have been domesticated and treated as pets.

50 (c) Livestock may be put to death by a method approved by the federal Humane
51 Slaughter Act, 7 U.S.C. Sections 1901 through 1906, as amended.

1 (d) An animal may be put to death with the use of a firearm only in cases of emergency
2 in which the animal presents an immediate danger to a human or another animal."

3 **SECTION 5.** G.S. 130A-192 reads as rewritten:

4 "**§ 130A-192. Dogs and cats not wearing required rabies vaccination tags.**

5 The Animal Control Officer shall canvass the county to determine if there are any dogs or
6 cats not wearing the required rabies vaccination tag. If a dog or cat is found not wearing the
7 required tag, the Animal Control Officer shall check to see if the owner's identification can be
8 found on the animal. If the animal is wearing an owner identification tag, or if the Animal
9 Control Officer otherwise knows who the owner is, the Animal Control Officer shall notify the
10 owner in writing to have the animal vaccinated against rabies and to produce the required
11 rabies vaccination certificate to the Animal Control Officer within three days of the
12 notification. If the animal is not wearing an owner identification tag and the Animal Control
13 Officer does not otherwise know who the owner is, the Animal Control Officer may impound
14 the animal. The duration of the impoundment of these animals shall be established by the
15 county board of commissioners, but the duration shall not be less than 72 hours. During the
16 impoundment period, the Animal Control Officer shall make a reasonable effort to locate the
17 owner of the animal. If the animal is not reclaimed by its owner during the impoundment
18 period, the animal shall be disposed of in one of the following manners:

19 (1) ~~returned~~Returned to the owner;

20 (2) ~~adopted~~Adopted as a pet by a new owner;

21 (3) ~~sold~~Sold to institutions within this State registered by the United States
22 Department of Agriculture pursuant to the Federal Animal Welfare Act, as
23 amended; or

24 (4) ~~put to death by a procedure approved by the American Veterinary Medical~~
25 ~~Association, the Humane Society of the United States or of the American~~
26 ~~Humane Association.~~Euthanized by a legally-authorized procedure.

27 The Animal Control Officer shall maintain a record of all animals impounded under this section
28 which shall include the date of impoundment, the length of impoundment, the method of
29 disposal of the animal and the name of the person or institution to whom any animal has been
30 released."

31 **SECTION 6.** Section 4 of this act becomes effective January 1, 2011. The
32 remainder of this act becomes effective October 1, 2009.